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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/723,740	11/26/2003	Ravishankar Rao	YOR920030552US1	9937

7590 03/21/2006

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EXAMINER

MULLEN, THOMAS J

ART UNIT	PAPER NUMBER
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2612

DATE MAILED: 03/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/723,740

Applicant(s)

RAO, RAVISHANKAR

Examiner

Thomas J. Mullen, Jr.

Art Unit

2632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 31 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 20-24 is/are allowed.
- 6) ☒ Claim(s) 1-19 and 25-30 is/are rejected.
- 7) ☒ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

Art Unit: 2632

1. The amendment filed 1/31/06 has been fully considered. The replacement drawing sheets are approved.

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claims 1-19 and 25-30 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, it remains unclear what is being sensed by the "sensor" (lines 2 and 4), i.e. it is unclear whether the environment being "monitored by at least one sensor" (line 2) equates with "detecting the presence of a person" in the environment (lines 1-2).

In claim 11, last 2 lines, it remains unclear whether detecting "the presence of a hazardous condition" is in any way related to detecting the presence of a person (line 2), or "detecting a face" (lines 4-5), in terms of which detected conditions are necessary for "initiating a remedial action" (end of claim).

In claim 25, it is unclear whether the "sensor" (line 2) has anything to do with "a signal output from the surveillance system" (line 4).

In claims 29-30, it is unclear how "computer readable program codes" per se, or a computer "program" per se, is/are literally capable of carrying out the functions recited in these claims, such as "identify(ing)...a scenario", "initiat(ing) a preemptive data backup", "initiating an alarm", "receiv(ing) a signal output from...(a) sensor", etc., as implied by claim language such as "computer readable program codes...for backing up data", "cause the program to...receive a signal", etc. Rather, a computer program (or program codes) merely enables some other device (a computer, or a component controlled by the computer) to carry out physical tasks such as those recited in claims 29-30.

In claim 30, last 2 lines, it remains unclear whether detecting "the presence of a hazardous condition" is in any way related to detecting the presence of a person (line 4), or "detect(ing) a face" (line 8), in terms of which detected conditions are necessary for "initiating an alarm" (next-to-last line).

Art Unit: 2632

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 29-30 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

In claims 29-30, the recited "computer program product", "computer readable program codes" and "program" (see e.g. lines 1, 3 and 5, respectively, in claim 29) merely represent non-statutory "data structures" in that they are not recited as being embodied in a computer-readable medium (or media), i.e. the claims merely recite functional descriptive material (In re Warmerdam, 31 USPQ2d 1754,1760 (Fed. Cir. 1994)). Note that the recitations, "computer program product embodied in a tangible medium" and "computer readable program codes coupled to the tangible medium" which appear in both of claims 29-30 do not specify that the tangible medium itself is "computer-readable".

5. Claims 20-24 are allowed. Claims 1-19 and 25-30 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 101 and 35 U.S.C. 112, 2nd paragraph set forth in this Office action.

6. Applicant's arguments filed 1/31/06 have been fully considered but they are not persuasive.

Regarding the previous 112(2) rejections in claims 1, 11 and 30, applicant generally states that "the amendments (to the claims) make clear the functions performed by the surveillance system and which features of the surveillance system perform those functions". However, as to claim 1 there is no functional recitation associated with the "sensor", such as the sensor providing a "sensor input" (as in claim 20) or a "signal output" (as in claims 11 and 30) that would relate a function of the sensor to the function(s) of the other components of the surveillance system, with the result that the interrelationship between the sensor and the other components in claim 1 cannot be determined; and as to claims 11 and 30, it is not apparent how the phrase "hazardous condition" (last line in each claim) is meant to be related to the detection

Art Unit: 2632

of a person (or the face of a person) per se--note that, e.g. in claim 30, there are multiple recitations of "initiating an alarm in response to..." which refers to detecting a person in the first instance, and to detecting a hazardous condition in the second instance, but it cannot be determined whether these refer to the same or different alarm conditions.

7. Some of the rejections above not being "necessitated by the amendment", this Office action is non-final.

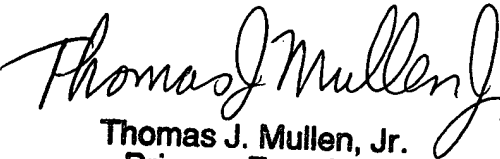
8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas J. Mullen, Jr. whose telephone number is 571-272-2965. The examiner can normally be reached on Monday-Thursday from 6:30 AM to 4 PM. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel Wu, can be reached on (571) 272-2964. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2600.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TJM

  
Thomas J. Mullen, Jr.  
Primary Examiner  
Art Unit 2632